C.S. 1001 — SINGLE BENCH (2) (4)

IN THE HIGH COURT OF CHHATTISGARH AT BILASPUR

W.P.S.No. 1375 /2007

PETITIONER : Nand Ram Jangade, S/o Shri Keshaw Ram Aged 39 years, Working as U.D.T. (Tribal Depat.) at Govt. Middle School Saraphkombo, Distt- Jashpur (C.G.)

P.R. No. 1608/1-2
Presented in O.P. Section
dated 24/12/07

VERSUS

RESPONDENT: :
1. State of C.G. Through. Secretary, Tribal welfare Dipartment, Mantralaya D.K.S. Bhawan, Raipur (C.G.)
2. Commissioner, Tribal welfare Department, pt R.S.S. University Campus Raipur, District- Raipur (C.G.)
3. Asst. Commissioner, Tribal welfare Department, Distt- Raigarh. (C.G.)

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PETITION UNDER ARTICLES 226 OF THE CONSTITUTION OF INDIA FOR ISSUANCE OF APPROPRLATE WRITS OF MANDAMUS AND CERTIORARI AND FOR OTHER SUITABLE WRITS AND DIRECTIONS :-

OATH COMMISSIONER APARNA MALVIYA

HIGH COURT OF CHHATTISGARH AT BILASPUR

S.B. : HON'BLE MR. SATISH K. AGNIHOTRI, J.

WRIT PETITION (S) No. 1375 of 2007.

Petitioner : Nand Ram Jangade

Versus

Respondents : State of Chhattisgarh & Others

Present: Shri Amit Kumar Sharma, Advocate for the petitioner.
Smt. Anju Ahuja, Deputy Government Advocate for the State/respondents.

ORDER
(Passed on 9th of March, 2007)

1. Learned counsel appearing for the petitioner submits that the petitioner is working as Upper Division Teacher. The petitioner obtained B.Ed. Examination certificate on 14.08.1992, on his own expenses.

2. Learned counsel appearing for the petitioner submits that the question involved, herein asto whether the teacher, who obtained B.Ed. Examination certificate on his own expenses, is entitled to two advance increments.

3. According to learned counsel for the petitioner, the petitioner is entitled to two advance increments in view of the decision of this Court in the case of **Yashwant Kumar Bharadwaj Vs.**

(37)

Municipal Corporation, Durg and another {2006 (II) MPJR-CG 96}. This Court in the case of Yashwant Kumar Bharadwaj Vs. Municipal Corporation, Durg and another (Supra), came to the conclusion that the teachers, who had obtained B. Ed. /B.T.I. Examination Certificate on their own expenses, are covered by the circular dated 24.12.98 issued by the State Government of Madhya Pradesh.

4. Learned counsel for the petitioner further submits that the facts and question of law involved in the present case are squarely covered by decision of this Court in the case of **Yashwant Kumar Bharadwaj Vs. Municipal Corporation, Durg and another** (Supra), to which learned counsel appearing for the respondents fairly concedes and agrees with the averment made by learned counsel appearing for the petitioner.

5. Accordingly, the writ petition is allowed in terms of the order passed in the case of **Yashwant Kumar Bharadwaj Vs. Municipal Corporation, Durg and another** (Supra), subject to verification of the fact as to whether the petitioner has acquired B.Ed. Examination Certificate on his own expenses as per the circulars dated 24.12.1998 & 1.3.1999 and further whether he has been paid two advance increments or not. No order as to costs.

Sd/-
Satish K. Agnihotri
Judge

Amit